

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

MICHAEL HENRY ANDERSON,

Plaintiff,

vs.

DR. KOHUT,

Defendant.

CV 17-00072--H-BMM-JTJ

FINDINGS AND RECOMMENDATIONS  
OF UNITED STATES MAGISTRATE  
JUDGE

Plaintiff Michael Anderson filed a Motion to Proceed in Forma Pauperis (Doc. 1) and a proposed Complaint (Doc. 2.) Under Local Rule 3.1(d)(4), a prisoner may not maintain more than two concurrent non-habeas actions in forma pauperis without demonstrating that he is in imminent danger of serious physical injury. Because Mr. Anderson had three pending motions to proceed in forma pauperis in three separate non-habeas civil actions in this Court, he was provided notice of this rule and an opportunity:

- (A) to show that he is in imminent danger of serious physical injury;
- (B) to pay the full filing fee for one or more of the pending or proposed actions; (C) to dismiss voluntarily, pursuant to Fed.R.Civ.P. 41(a)(1), one or more pending actions in which the prisoner is proceeding in forma pauperis; or (D) to withdraw one or more of the actions for which leave to proceed in forma pauperis is sought.

(Doc. 7 at 2 (citing L.R. 3.1(d)(4).) Mr. Anderson responded that he would dismiss

this action. (Doc. 6.)

Accordingly, the Court issues the following:

**RECOMMENDATION**

This matter should be DISMISSED WITHOUT PREJUDICE pursuant to Fed.R.Civ.P. 41(a)(1) and all pending motions should be terminated.

DATED this 3rd day of August 2017.

/s/ John Johnston  
John Johnston  
United States Magistrate Judge